

SN. 10/646,518

ATTORNEY DOCKET NO. SUYE:002

REMARKS

Claims 1-6 remain pending in this application for which applicants seek reconsideration.

Amendment

The specification and the drawings have been amended to remove the informalities contained therein. Specifically, the term "concave" has been globally changed to --concave depression-- to improve the language. Figs. 2 and 5 have been amended to conform to Rule 84(h)(3).

Claims 1-6 have been amended. Claims 1, 2, and 5 have been amended to improve their form and readability. Claim 1 also has been amended to further define the invention. Specifically, claim 1 now recites that a partition wall separates the first and second oil separation chambers, and the partition wall has a first through hole for communicating the first and second oil separation chambers. Claims 3, 4, and 6 have been placed in independent form, adopting the improved form of original claim 1. These claims, however, omit the vertical directional aspect of original claim 1 to broaden them. No new matter has been introduced.

Allowable Claims

Claims 3, 4, and 6 were indicated to be allowable if they are placed in independent form. While these claims have been placed in independent form, without incorporating all of the features of claim 1, applicants submit that they still remain allowable.

Art Rejection

Claims 1, 2, and 5 were rejected under 35 U.S.C. § 102(b) as anticipated by Nishida (USP 4,103,650). Applicants traverse this rejection because Nishida does not teach at least the outflow port/first through hole relationship set forth in claim 1.

Claim 1 calls for first and second oil separation chambers and a partition wall separating these chambers. The first chamber is defined by a substantially vertical outer wall of an internal combustion engine, and extends substantially in a vertical direction of the internal combustion

SN. 10/646,518

ATTORNEY DOCKET NO. SUYE:002

engine. The first chamber includes at least one opening formed in a lower part thereof through the substantially vertical outer wall for introducing blowby gas. The second chamber is disposed adjacent to the first oil separation chamber and includes an outflow port for substantially vertically exhausting the blowby gas out of the second chamber. The partition wall has a first through hole for communicating the first and second chambers. The outflow port is disposed below the first through hole.

First, in claim 1, the outflow port is disposed below the first through hole. In Nishida, the outflow port 29 is disposed higher than the first through hole 25. Accordingly, Nishida would not have disclosed or taught the outflow port/first through hole relationship set forth in claim 1. Based on this structural distinction alone, Nishida would not have anticipated claim 1.

Second, in claim 1, the outflow port substantially vertically exhausts the blowby gas out of the second chamber. Nishida's outflow port 29, in contrast, does not have any vertically extending portion. Accordingly, Nishida's outflow port 29 would not have disclosed or taught substantially vertically exhausting the blowby gas out of the second chamber.

Third, in claim 1, the first chamber is disposed along a substantially vertical wall of an engine. Nishida's first chamber is disposed along a horizontal wall of an engine. Claim 1 thus would have further distinguished over Nishida based on this additional structural difference.

Fourth, in claim 1, at least one opening is formed through the substantially vertical outer wall of the engine. Nishida's opening 24 is formed along a horizontal outer wall of the engine. Claim 1 thus would have further distinguished over Nishida based on this additional distinction.

SN. 10/646,518


ATTORNEY DOCKET NO. SUYE:002

Conclusion

Applicants submit that claims 1-6 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Date: December 1, 2004

Respectfully submitted,


LYLE KIMMS
REG. NO. 34079
RULE 34A
Marc A. Rossi
Registration No. 31,923

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826
Phone: 703-726-6020